

Remarks

Summary: This Amendment and Response amends claim 1 to define a sealed membrane section, consistent with claim 14, and consistent with the “self-contained” limitation of claim 18. Claim 2 is canceled and claim 3 written in independent form with the limitations of the parent claims 1 and 2, as-filed in the last Amendment and Response. Claims 6 and 7 are now dependent on claim 3. Responding to the issue raised in the presently-outstanding Action, remarks are made for the patentability of amended claim 1, and claims 14-19.

Allowed/Objected-To Claims: Appreciation is expressed for the allowance of claims 8-13, and the objection to claims 3-7, and 20. Of the objected-to claims, (1) claim 3 is now in independent form and includes the limitations of former parent claims 1 and 2, as-filed in the last Amendment and Response; and (2) claims 6 and 7 are dependent on claim 3.

Response To Paragraph : The rejection of claims 1, and 14-19 was based on newly-cited Boyd et al US006656024 (Boyd). The rejection was based on Boyd’s element 118a, which though not flexible, assertedly has properties of a “membrane” in that the element 118a assertedly is a thin structure that reacts to the fluid pressure applied to it. In respect to amended claim 1, and to claims 14-19, without raising new issues it is noted that Boyd expressly teaches the holes 126 and the gap 130 (C5, L62-67) as allowing the fluid to escape from the element 118a, i.e., “allows excess fluid to escape” (L67, this being in re the gap 130, for example). Further, the fluid **must** escape through the holes 126 to provide the disclosed lubrication (C5, L63-64; and C4, L1-4).

It is clear that each of the holes 126 and the gap 130 is a teaching away from the amended claim 1 recitation of a membrane with a “first section sealed to” the platen structure. The element 118a must move relative to the retainer ring member 118b, and the gap 130 is opposite to a seal. Given the rigid structure of the element 118a, and given the flow, or leaks, through holes 126 and gap 130, there is teaching away from the claimed “seal” of the asserted membrane 118a to the platen structure. Further, the teaching away includes the required fluid flow from the retainer ring element 118a of Boyd to provide the described lubrication from holes 126, thus there is a further teaching away from the claimed membrane sealed to the platen structure, as now claimed in claim 1.

As to claims 14-19, the sealed relation of the membrane to the structure is recited unamended. For example, unamended independent:

claim 14 recites:

each membrane being sealed to the fluid-bearing structure to separate the polishing pressure control fluid of the respective localized fluid-pressure zone from the fluid-bearing structure,

The leak, or flow, through the holes 126 joins the fluid pressure fluid with the fluid bearing fluid in Boyd, which is the opposite of the claimed “being sealed” to “separate” the pressure and bearing zones. Claims 15-17 thus also include these “sealed” and “separate” limitations.

For further example, independent:

claim 18 recites:

providing the platen with a first aperture communicating with a **self-contained** localized fluid-pressure platen zone; (presented in the last A & R)
admitting fluid-pressure fluid into the first aperture so that the **self-contained** localized fluid-pressure platen zone limits the flow of the fluid-bearing fluid out of the platen. (now-amended for consistency)

The asserted membrane 118a is not “self-contained” because the structure of the element 118a is open (not self-contained), and the flows through the holes 126 and 130 indicate that the fluid pressure fluid is **not contained** within the asserted membrane 118a. These flows are the result of operation opposite to the claimed providing of a platen with a first aperture communicating with a “self-contained” pressure zone. Thus, the asserted open and leaky pressure zone of the asserted membrane 118a is the opposite of the claimed operation in re the self-contained pressure zone. Dependent claim 19 thus also include this “self-contained” limitation.

It is respectfully submitted that the limitation of sealing the membrane to the platen structure, and the operation in re the self-contained pressure zone, are not new issues raised after the Final Action. For example: sealing was set forth in claim 15, the resulting inflation of the sealed membrane was set forth in claim 16, and the operation in re the self-contained pressure zone was set forth in claims 18 and 19. Entry of, and consideration of, the rejected claims is believed to be in order at this time, and is respectfully requested.

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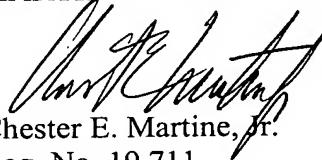
Response To Paragraph 4 of the Office Action: Appreciation is expressed for the allowance of claims 8-13. These claims have not been hereby amended, and are believed to remain allowable.

Response To Paragraph 5 of the Office Action: Appreciation is expressed for the objection to claims 3-7, and 20. Claim 3 has been hereby amended to remove the objection, by adding the limitations of claim 1 (before this amendment), and adding the claim 2 limitations. Allowance of claim 3, and of claims 4 and 5 originally dependent on claim 3, and of claims 6 and 7 (now dependent on claim 3), is respectfully requested. In view of the remarks advance above in re claim 18, it is believed that claim 20, dependent on claim 18, is no longer objectionable.

Should the Examiner have any questions concerning this Application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,

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